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RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the
18th September, 1964:—

I

BILL NO. XI OF 1964

*a bill to provide for immunity to Members of Parliament and State
Legislatures from detention without trial.*

BE it enacted by Parliament in the Fifteenth Year of the
Republic of India as follows:—

1. This Act may be called the Members of Parliament and State Short title.
Legislatures (Immunity from Detention) Act, 1964.

2. Notwithstanding anything contained in any law for the time Immunity
being in force, no Member of Parliament or of a House of the Legis- of
lature of a State shall be detained in custody without trial. Members
of
Parliament
and State
Legislatures
detention
without
trial.

STATEMENT OF OBJECTS AND REASONS

In our country, Members of Parliament and of the State Legislatures do not enjoy immunity from arrest and imprisonment, not even from detention without trial. In order to uphold the dignity of Parliament and the Legislatures of the States as also in the public interest, it is necessary to provide for such members immunity from detention in custody without trial.

Hence this Bill.

BHUPESH GUPTA.

II

BILL No. IX OF 1964

a bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifteenth year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1964. Short title.

2. In article 143 of the Constitution, to clause (1), the following proviso shall be added, namely:— Amendment of article 143.

“Provided that if not less than one-tenth of the total number of members of Parliament make a representation to the President in writing that any Bill pending before either House of Parliament contains provision which in their opinion takes away or abridges any of the rights conferred by Part III, the President shall refer every such Bill to the Supreme Court for its opinion and either House of Parliament shall not proceed with that Bill until such opinion has been obtained.”

STATEMENT OF OBJECTS AND REASONS

Under article 143 of the Constitution, the President may consult the Supreme Court for its advisory opinion if it appears that a question of law or fact has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it. Instances may arise in the future as they have arisen in the past, when serious doubts may be entertained by members of Parliament that the provisions of a Bill pending before Parliament might violate the fundamental rights conferred by Part III of the Constitution. It seems necessary to make it obligatory for the President to refer all such Bills to the Supreme Court for its advisory opinion before Parliament proceeds with them, so that Parliament may not enact legislation which the courts might declare void subsequently. Hence this Bill.

BHUPESH GUPTA.

III

BILL No. VIII OF 1964

a bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, Short title.
1964

2 Article 291 of the Constitution shall be re-numbered as clause Amendment
(1) of that article and after the said clause as so re-numbered, the of Article
following clause shall be inserted, namely:— 291.

“(2) No payment under this article shall be made after the
31st day of December, 1964 ”

STATEMENT OF OBJECTS AND REASONS

The circumstances under which the privy purses were originally given to the erstwhile rulers of Indian States have changed. During the last 16 years, these ex-rulers have drawn huge amounts from the exchequer as privy purses apart from enjoying a number of other privileges. In addition to the privy purses, they also are owners of huge properties, treasures and other material wealth.

In view of the objectives of social justice of removal of wide disparities in income, and the widespread public demand for the abolition of such privileges, it is incongruous to continue the payment of privy purses.

Hence the Bill.

BHUPESH GUPTA.

B. N. BANERJEE,
Secretary.